

REMARKS

This application has been carefully reviewed in light of the Office Action dated August 21, 2006. Claims 1 to 40, 43, 46, 49, 52, 55, 58, 61 and 64 to 66 are pending in the application, of which Claims 1, 6, 11, 16, 21, 26, 31, 36, 65 and 66 are independent. Reconsideration and further examination are respectfully requested.

Claims 1 to 40, 43, 46, 49, 50, 52, 55, 58, 61 and 64 to 73 were rejected as being based upon a defective reissue Assent and Oath and Declaration and under 35 U.S.C. § 251. These claims would be allowable, however, if the § 251 rejection were overcome.

SUBMISSION OF SUPPLEMENTAL REISSUE DECLARATION
AND POWER OF ATTORNEY

Attached hereto is a Supplemental Reissue Declaration And Power Of Attorney. The Declaration having been submitted herewith, withdrawal of this rejection under 35 U.S.C. § 251 is respectfully requested.

In addition, the Examiner further rejected the pending claims under 35 U.S.C. § 251 as it appeared that the signatory of the Assignee Statement did not appear to have the authority to request a reissue of the subject patent. In response, Applicant respectfully directs the Examiner's attention to M.P.E.P. § 324(V)(A), Eighth Edition, Revised August 2006 which states "(i)n foreign countries, a person who holds the title "Manager" or "Director" is normally an officer and is presumed to have the authority to sign on behalf of the organization." The Assignee Statement was signed by Nobuyoshi Tanaka, Ph.D. who is indicated as both a Director and Board Member of Canon Kabushiki Kaishi, the assignee of the subject patent. Accordingly, as Canon Kabushiki Kaishi is a Japanese corporation, and Dr. Tanaka is both a Director and a Board Member, Applicant submits that Dr. Tanaka is presumed to have the authority to sign on behalf of the organization, namely Canon Kabushiki Kaishi. Accordingly, Applicant respectfully requests withdrawal of this rejection.

CONCLUSION

No other matters having been raised, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney may be reached in our Costa Mesa, CA office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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